

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TAMIKA HARTLEY,

Plaintiff,

No. 16-10916

v.

District Judge David M. Lawson
Magistrate Judge R. Steven Whalen

DAVID JOHNSON, ALAN GREASON,
SONAL PATEL, MICHAEL NOWAK,
RODERICK KILGORE, DENISE
ARMSTRONG, ANTHONY STEWART,
HEIDI WASHINGTON, and BRUCE
CURTIS,

Defendants.

ORDER

Plaintiff Tamika Hartley has filed a motion for substitute counsel, for a copy of the “register of actions,” and for a scheduling order [Doc. #32].

Plaintiff’s previous *pro bono* counsel was permitted to withdraw on March 20, 2017. The Court then stayed the case pending the procurement of substitute *pro bono* counsel [Doc. #31]. On September 8, 2017, the Court dismissed the Defendants’ motion to dismiss [Doc. #23] without prejudice, vacated the stay, and again stated its intention to procure substitute *pro bono* counsel [Doc. #33]. The Court’s order provided as follows:

“I will re-refer this case to the Court’s *Pro Bono* Panel for expedited assignment to another attorney. Defendants may re-file their motion to dismiss when new counsel files an appearance on behalf of Defendants, or within 45 days of the date of this Order, whichever date comes first.

If new counsel files an appearance within 45 days of the date of this Order, he/she will file a response to Defendants’ re-filed motion to dismiss within 30 days of when the renewed motion is filed.

If new counsel is not obtained for Plaintiff within 45 days of the date of this

Order, she will proceed without counsel, and Defendants will serve her with any motions by mail. In such case, the Court will set a new date for her to respond to the renewed motion to dismiss.”

After the passage of 45 days, Defendants’ re-filed their motion to dismiss [Doc. #34]. To date, the Court has been unable to obtain *pro bono* counsel for Plaintiff. On October 25, 2017, the Court entered an order requiring Plaintiff to respond to the Defendants’ motion to dismiss by December 22, 2017 [Doc. #35]. Under my September 8, 2017 order [Doc. #33], Plaintiff is now proceeding *pro se*, that is, without counsel.

In reviewing the Defendants’ motion to dismiss [Doc. #34], the proof of service indicates that it was e-filed, but does not state that it was served on Plaintiff by mail. Thus, it is unclear whether or not Plaintiff in fact received the Defendants’ motion, and in fairness to the Plaintiff, it is necessary to re-set the response date.

Therefore, Plaintiff’s motion [Doc. #32] is GRANTED IN PART AND DENIED IN PART, as follows:

The request for substitute counsel is DENIED WITHOUT PREJUDICE.

The request for a copy of the register of actions (i.e., the docket sheet) is GRANTED, and the Clerk will mail a copy to the Plaintiff along with this order and a copy of the Defendants’ motion to dismiss. In addition, if they have not already done so, the Defendants will mail a copy of their motion to dismiss to the Plaintiff.

The request for a scheduling order is GRANTED to the extent that Plaintiff will file a response to Defendants’ motion to dismiss on or before MARCH 20, 2018.

IT IS SO ORDERED.

Dated: January 17, 2018

s/R. Steven Whalen

R. STEVEN WHALEN
U.S. MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify on January 17, 2018 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on January 17, 2018.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen